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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/673,264	12/14/2000	Howard Thomas	CE30148P	3811

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EXAMINER	
SMITH, SHEILA B	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/673,264	THOMAS ET AL.	
	Examiner	Art Unit	
	Sheila B. Smith	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 October 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pike (GB 2306855) in view of Henry et al. (U.S Patent Number 5,845,215).

Regarding claims 1,2 and 13, Pike discloses essentially all the claimed invention as set fourth in the instant application, further Pike discloses a cellular radio communication system. In addition Pike discloses a mobile communication network (1) comprising a group of cells (2,3) each cell of the group of cells being operable to simulcast an carrier (which reads on area wide communication channel) carrying signaling information common for the group of cells on a broadcast carrier frequency common for the group of cells, at least a first cell (2) being associated with a first traffic carrier (which reads on cell wide communication channel) not common for the group of cells, wherein at least a first mobile station (18) is arranged to intermittently perform an intracell handover to the carrier (which reads on page 2 lines 14-19), and means situated in a fixed part (which reads on base station 17) of the network for performing measurements of the radio environment when the mobile station (18) is using the carrier (as exhibited in figure 1 and which reads on page 2 lines 22-27), after an intracell handover to the carrier by the first mobile station (which reads on cell wide

communication channel). However Pike fails to disclose the use of a common simulcast broadcast carrier.

In the same field of endeavor, Henry et al. further discloses a operating mobile stations of wireless communication systems in multiple modes by external control. In addition Henry et al. discloses the use of a common simulcast broadcast carrier (such as a broadcast control channel or BCCH) as disclosed in column 5 lines 15-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Pike by modifying a cellular radio communication system with the use of a common simulcast broadcast carrier as taught by Henry et al. for the purpose of allowing the MS to read a minimum amount of information.

Regarding claims 3 and 4, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition Pike discloses a clock means is arranged to generate a signal instructing said intracell handover (which reads on page 2 lines 14-19).

Regarding claim 5, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition, Pike discloses signal instructing said intracell handover is arranged to be generated in response to a measurement of received signal level or quality of a radio. (which reads on page 6 lines 33-35 and page 7 lines 1-4).

Regarding claims 6 and 7, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition, Pike discloses one or more base stations are arranged to measure a received signal level and or quality of the signal transmitted by the mobile station on the carrier (which reads on page 6 lines 33-35 and

page 7 lines 1-4). However Pike fails to disclose the use of a common simulcast broadcast carrier.

In the same field of endeavor, Henry et al. further discloses a operating mobile stations of wireless communication systems in multiple modes by external control. In addition Henry et al. discloses the use of a common simulcast broadcast carrier (such as a broadcast control channel or BCCH) as disclosed in column 5 lines 15-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Pike by modifying a cellular radio communication system with the use of a common simulcast broadcast carrier as taught by Henry et al. for the purpose of allowing the MS to read a minimum amount of information.

Regarding claim 8, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition Pike discloses base stations in different cells are arranged to measure transmitted signal level and/or signal quality from a plurality of mobile stations in such new uplink channels and the network is arranged to process the measurements to determine the distribution of mobile stations within the network (which reads on page 6 lines 33-35 and page 7 lines 1-4).

Regarding claim 9, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition Pike discloses base stations of a cell from which the intracell handover is made is arranged to be retuned to receive on a frequency different from the first traffic channel while traffic is being handled by the carrier (which reads on page 5 lines 20-27). However Pike fails to disclose the use of a common simulcast broadcast carrier.

In the same field of endeavor, Henry et al. further discloses a operating mobile stations of wireless communication systems in multiple modes by external control. In addition Henry et al. discloses the use of a common simulcast broadcast carrier (such as a broadcast control channel or BCCH) as disclosed in column 5 lines 15-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Pike by modifying a cellular radio communication system with the use of a common simulcast broadcast carrier as taught by Henry et al. for the purpose of allowing the MS to read a minimum amount of information.

Regarding claim 10, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition Pike discloses a base station (106, 122, 138, 102, 114) of a cell from which the intracell handover is made is arranged to be retuned to receive on a frequency different from the first traffic channel while traffic is being handled by the carrier (which reads on page 6 lines 33-35 and page 7 lines 1-4). However Pike fails to disclose the use of a common simulcast broadcast carrier.

In the same field of endeavor, Henry et al. further discloses a operating mobile stations of wireless communication systems in multiple modes by external control. In addition Henry et al. discloses the use of a common simulcast broadcast carrier (such as a broadcast control channel or BCCH) as disclosed in column 5 lines 15-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Pike by modifying a cellular radio communication system with the use of a common simulcast broadcast carrier as taught by

Henry et al. for the purpose of allowing the MS to read a minimum amount of information.

Regarding claim 11, Pike in view of Henry et al. discloses everything claimed as applied above (see claim 1), in addition, Pike discloses a GSM network (which reads on page 6 lines 5-7).

Regarding claim 12, Pike discloses essentially all the claimed invention as set fourth in the instant application, further Pike discloses a cellular radio communication system. In addition Pike discloses a base station operating in a communication system (1) comprising a group of cells (2,3) each cell of the group of cells being operable to simulcast an identical common simulcast broadcast carrier (which reads on area wide communication channel) carrying signaling information common for the group of cells on a broadcast carrier frequency common for the group of cells, at least a first cell (2) being associated with a first traffic carrier (which reads on cell wide communication channel) not common for the group of cells, wherein at least a first mobile station (18) is arranged to intermittently perform an intracell handover to the broadcast carrier (which reads on page 2 lines 14-19), and means situated in a fixed part (which reads on base station 17) of the network for performing measurements of the radio environment when the mobile station (18) is using the broadcast carrier (as exhibited in figure 1 and which reads on page 2 lines 22-27), after an intracell handover to the carrier by the first mobile station (which reads on cell wide communication channel). However Pike fails to disclose the use of a common simulcast broadcast carrier.

In the same field of endeavor, Henry et al. further discloses a operating mobile stations of wireless communication systems in multiple modes by external control. In

addition Henry et al. discloses the use of a common simulcast broadcast carrier (such as a broadcast control channel or BCCH) as disclosed in column 5 lines 15-20.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Pike by modifying a cellular radio communication system with the use of a common simulcast broadcast carrier as taught by Henry et al. for the purpose of allowing the MS to read a minimum amount of information.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 703-308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith
November 22, 2004

DAVID HUDSPETH
SUPERVISORY PATENT EXAMINER
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